

PROPOSED CHARTER
OF THE DENALI
HOME RULE BOROUGH

Adopted and Approved September 7, 1989

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PREAMBLE

We, the people of the Denali Borough, exercising the powers of Home Rule granted by the Constitution of the State of Alaska, in order to provide for local government responsive to the will and values of the people and to the continuing needs of the communities within the borough hereby establish this Home Rule Charter.

ARTICLE I. NAME, BOUNDARIES AND POWERS

Section 1.01

Name

The borough shall be a municipal corporation known as the Denali Borough. Whenever it deems it in the public interest to do so, the borough may use the name Denali Home Rule Borough.

Section 1.02

Boundaries

The boundaries of the Denali Borough shall be as they exist on the date of ratification of this Charter and as those boundaries thereafter are legally changed in accordance with State law.

Section 1.03

Powers

The Denali Borough may exercise all powers not prohibited by law or this Charter.

Section 1.04

Intergovernmental Relations

The Denali Borough may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement with any one or more local governments, the State, or the United States, or any agency or instrumentality of these governments. In the context of this charter, local governments includes Native organizations.

Section 1.05

Publish, Defined

Publish shall mean posting in at least three public places in each of the four major communities of Anderson, Cantwell, Healy and McKinley Park with one of the public places being the post office for at least ten days unless otherwise specified by section or ordinance.

ARTICLE II. THE ASSEMBLY

Section 2.01

Powers

The governing body of the Denali Borough shall be the Assembly. Except as otherwise provided by law or this Charter, the Assembly shall exercise all powers of the Denali Borough and shall provide for the performance of all duties and obligations of the Denali Borough.

Section 2.02

Composition

1. The Assembly elected by the qualified voters of the Denali Borough shall consist of nine (9) Assembly members. The districts are composed of the following:

- A. District 1 1 seat - A
Kantishna
Cantwell
- B. District 2 4 seats B, C, D & E
McKinley Village/Carlo Creek
Healy
Ferry
- C. District 3 4 seats F, G, H & I
Anderson/Clear
Anderson Highway Area

As the need arises, re-apportionment and redistricting changes will take place by Assembly ordinance.

Section 2.03

Terms and Election of Assembly Members

1. Term. Each Assembly member shall be elected to three (3) year staggered terms. For the initial election, seats B, F and G will be one (1) year terms; seats C, D and H will be two (2) year terms, and seats A, E and I will be three (3) year terms. Thereafter all seats will be for three (3) year terms.

2. Election. Assembly members shall be elected by qualified voters of their district and shall be residents of the district to which the seat they seek is assigned. An Assembly member so elected represents all the voters of the Denali Borough.

3. The Assembly may, by ordinance, adopt additional procedures pertaining to the nominations and election of Assembly members.

Section 2.04

Qualifications

1. Only a qualified voter of the Denali Borough, who has been a resident of the Denali Borough for at least one (1) year immediately preceding his election, or appointment to office, shall be qualified for elective Denali Borough office.
2. No Assembly member may hold any other compensated Denali Borough office or employment, or elected partisan political office, while serving on the Assembly, unless otherwise provided by an ordinance ratified by the voters of the Denali Borough.
3. An Assembly member shall be a resident of the district to which the member's seat is assigned at the time of the member's election or appointment.
4. An Assembly member who ceases to be a resident of the district to which the member's seat is assigned immediately forfeits his or her office.

Section 2.05

Vacancies and Forfeiture
of Office

1. The office of an elected Denali Borough official shall become vacant upon death, resignation, removal from office in any manner authorized by law or by this Charter, or by forfeiture of his or her office.
2. An elected Denali Borough official shall forfeit his or her office if he or she:
 - A. fails to comply with all qualifications prescribed by this Charter;
 - B. fails to qualify or take office within thirty (30) days after election or appointment;
 - C. fails to attend three (3) consecutive regular meetings of the Assembly without being excused by the Assembly;
 - D. is physically absent from the Denali Borough for ninety (90) consecutive days unless excused by the governing body;
 - E. resigns and the resignation is accepted;
 - F. is physically or mentally unable to perform the duties of office as determined by a two-thirds vote of the governing body;

- G. is convicted of a felony or of an offense involving a violation of the oath of office;
- H. is convicted of a violation of AS 15.13 State Election Campaigns;
- I. no longer physically resides in the Denali Borough or election district; and the governing body by two-thirds vote declares the seat vacant.
- J. is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the governing body concur in expelling the person elected.

3. The Assembly shall by ordinance provide the procedures for filling of vacancies.

Section 2.06

Organization and Rules of Assembly

1. The Assembly shall meet within thirty days following certification of the election. At such meeting the Assembly shall elect from its membership a Presiding Officer and a deputy Presiding Officer to serve at the pleasure of the members and do such other acts as may be required for its organization and for the conduct of business.

2. The Assembly shall, by ordinance, determine its own rules and order of business and shall maintain a journal of its proceedings as a permanent public record.

Section 2.07

Compensation

The Assembly, by ordinance, shall provide for compensation of the Assembly members. An increase in compensation shall not take effect until the Assembly meeting following the regular election after the ordinance has been adopted.

Section 2.08

Meetings

1. The Assembly shall hold at least one regular meeting every month, which shall be rotated among the four major communities, ie. Anderson, Healy, McKinley Park and Cantwell, at a time and place as it may prescribe unless otherwise provided by ordinance.

2. The Mayor or any three Assembly members may call a special meeting of the Assembly if a majority of the Assembly members are given at least 24 hours oral or written notice and reasonable efforts are made to notify all members. A special

meeting may be conducted with less than 24 hours notice if all Assembly members are present or if all absent members have waived in writing the required notice. Waiver of notice can be made before or after the special meeting is held. A waiver of notice shall be made a part of the journal for the meeting.

3. All meetings of the Assembly shall be public and the public shall have reasonable opportunity to be heard. At all meetings, closed or executive sessions shall only be held pursuant to law.

4. Assembly members will attend meetings of the Assembly in person. A majority of the total membership of the Assembly authorized by this Charter shall constitute a quorum. A member disqualified by law from voting on a question may be considered present for purposes of constituting a quorum. In the absence of a quorum, any number less than a quorum may recess or adjourn the meeting to a later time or date.

5. Actions of the Assembly are adopted by a majority of the total membership of the body. Each member present shall vote on every question, unless required to abstain from voting on a question by law. The final vote of each member on each ordinance, resolution, or substantive motion shall be recorded, "yes" or "no", except that if the vote is unanimous it may be recorded "unanimous".

6. Each Assembly member in attendance at an Assembly meeting shall vote on all questions presented at the meeting, unless prohibited from doing so by this Charter.

Section 2.09

Prohibitions

1. No elected official of the Denali Borough shall hold any other elective public office, or any other Denali Borough office during his or her term as an elected official of the Denali Borough. No elected official of the Denali Borough shall hold any compensated appointive Denali Borough office, other than membership on a board or commission, for a period of one year after vacating his or her elective office.

2. The Assembly shall not recommend or direct the appointment or removal of any officer or employee of the Denali Borough administration except as otherwise provided by this Charter. Except for the purpose of inquiry, neither the Assembly nor an individual Assembly person may give, either publicly or privately, orders on administrative matters to a subordinate of the Mayor.

3. No Assembly person may represent any client before any Denali Borough department or agency.

Section 2.10

Investigations

1. The Assembly may make investigations into the affairs of the Denali Borough and the conduct of any Denali Borough department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Assembly shall be guilty of a misdemeanor.

2. The Assembly may by ordinance create boards and commissions pursuant to this section for the purpose of inquiries and investigations. The members of such boards and commissions shall be appointed by the Assembly.

Section 2.11

Clerk and Special Advisors

1. There shall be a Denali Borough Clerk appointed by the Mayor and confirmed by the Assembly. The clerk shall attend all Assembly meetings, unless excused, keep a journal of its proceedings, give notice of Assembly meetings to the members and the public and perform such other duties as may be assigned.

2. The Assembly may appoint special legal and financial advisors for bond issues and shall retain legal counsel as it requires.

3. There shall be a Denali Borough Attorney hired by the Mayor when needed and be subject to confirmation by the Assembly.

ARTICLE III. LEGISLATION

Section 3.01

Ordinance Form and Content

1. All ordinances enacted by the Assembly shall be in substantially the following form:

- A. the proposed ordinances shall have a heading and number.
- B. title: a short summary of the ordinance's provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by the ordinance.
- C. enacting clause: the enacting clause shall read: "BE IT ENACTED BY THE ASSEMBLY OF THE DENALI BOROUGH:".

- D. substantive part of the ordinance: the provisions of the ordinance will follow the enacting clause.
- E. Signatures: appropriate places shall be provided for the signatures of the Mayor and the clerk.
- F. attestation: the enactment and passage date of the ordinance shall be attested by the clerk.

2. Every ordinance shall be confined to one subject unless it is an appropriation ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

Section 3.02

Acts Required To Be By Ordinance

1. In addition to other actions required by law to be by ordinance the Assembly shall use ordinances to:

- A. establish, alter or abolish Denali Borough departments;
- B. provide for a fine or other penalty, or establish rules or regulations for violations of which a fine or other penalty is imposed;
- C. provide for levying of taxes;
- D. make appropriations and supplemental appropriations or transfer of appropriations;
- E. grant, renew, or extend a franchise;
- F. adopt, modify or repeal the comprehensive plan, land use and subdivision regulations, building and housing codes, and the official map;
- G. provide for the retention or sale of tax-foreclosed property; regulate the rate charged by a Denali Borough utility;
- H. exempt contractors from compliance with general requirements relating to payment and performance bonds in the construction or repair of municipal public works projects within the limitations set out in AS 36.25.025;
- I. fix the compensation of members of the Assembly, boards, commissions and committees;

- J. establish a formal procedure for acquisition from private, state or federal government of land or rights in land and disposal of those lands or rights in land;
- K. provide for a comprehensive personnel system, including, but not limited to, regulating all appointments, promotions, demotions, suspensions, and removal of Denali Borough officers and employees on the basis of merit;
- L. and create or designate itself to be a board of review, adjustment, equalization, or canvassing board.

Section 3.03

Ordinance Procedure

1. An ordinance may be presented for consideration by a member or committee of the Assembly or by the Mayor at any regular or special meeting of the Assembly. Upon presentation of an ordinance, copies shall be furnished to each Assembly member and to the Mayor. Upon presentation, an ordinance shall be rejected, deferred, referred to committee, or accepted as being introduced. Promptly after introduction the Assembly shall publish the ordinance and a notice setting out the time and place for a public hearing on the ordinance. The public hearing of an ordinance shall follow publication by at least ten days; it may be held at a regular or special Assembly meeting and may be adjourned from time to time. At the public hearing copies of the ordinance shall be distributed to all persons present who request them or, in the alternative, the ordinance shall be read in full. All interested persons shall have an opportunity to be heard. If the ordinance is amended after the hearing so substantially as to change its basic character, the ordinance shall be treated as a newly introduced ordinance. After the hearing, the Assembly shall consider the ordinance and may adopt it with or without amendment.

2. Ordinances take effect upon adoption or at a later date specified in the ordinance.

3. As used in this section, "publish" shall mean the same as specified in Section 1.05 and publication by such other media as the Assembly shall designate by ordinance, at least ten days before the public hearing.

Section 3.04

Emergency Ordinance

1. To meet a public emergency the Assembly may adopt ordinances effective upon adoption. Every emergency ordinance must contain a finding by the Assembly that an emergency exists and a statement of the facts upon which the finding is based.

An emergency ordinance may be adopted, amended and adopted or rejected at the meeting at which it is introduced. The affirmative vote of all members present, or the affirmative vote of three-fourths of the total membership authorized in this Charter, whichever is less, is required for adoption. The Assembly must print and make available copies of adopted emergency ordinances.

2. An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

3. Emergency ordinances are effective for sixty days.

Section 3.05

Codes of Regulation

The Assembly may adopt any standard code of regulations, or any provisions of the statutes of the State of Alaska, by reference thereto in an adopting ordinance. Materials adopted by reference under this section need not be distributed to the public or read at a public hearing, but at least five copies of the material shall be made available for public inspection for at least fifteen (15) days before the hearing for the adopting ordinance. Only the adopting ordinance need be printed after adoption. The Assembly shall provide for the adopted code to be sold to the public.

Section 3.06

Formal Acts by Resolution

1. Formal acts by the Assembly not required by law to be enacted by ordinance and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:

- A. the heading "Denali Borough, Alaska";
- B. the space for a number to be assigned "Resolution _____";
- C. a short and concise title descriptive of its subject and purpose;
- D. short premises or whereas clauses descriptive of the reasons for the resolution, if necessary;
- E. the resolving clause, "BE IT RESOLVED";
- F. provision for signatures after the date, and designated lines for the signatures of the Mayor and the clerk; and
- G. attestation.

2. Resolutions shall not be included in any municipal code of ordinances.

Section 3.07

Resolutions-Reading-Hearing Final Passage-Posting

1. Every resolution shall be introduced in writing and shall be orally read before any vote for passage thereof is taken.

2. On any vote for passage of the resolution, all persons interested who appear shall be given an opportunity to be heard. After such hearing, the Assembly may finally pass such resolution, with or without amendments. First reading of any resolution shall be final.

3. After final passage, every resolution shall be published according to Section 1.05 of this Charter. Every resolution, unless it shall specify a later date, shall become effective following final passage, or, if the resolution be submitted at a referendum election when state law or Denali Borough charter so requires, then upon certification of a favorable vote of the requisite number of those voting thereon.

Section 3.08

Rules and Regulations

Any rule or regulation made by any administrative officer or board or commission shall be published at least fifteen (15) days prior to its adoption according to Section 1.05 of this Charter as may be appropriate to give adequate public notice.

ARTICLE IV. THE EXECUTIVE

Section 4.01

Mayor as Executive

1. The executive power in the Denali Borough is vested in the Mayor. The Mayor shall perform all duties required by this Charter or the Assembly. The Mayor is head of the Denali Borough for ceremonial purposes and executes official documents upon the authorization of the Assembly and shall have veto power. The Assembly may override his veto by two-thirds majority vote.

2. The administrative power in the Denali Borough is vested in the Mayor. The Borough Mayor, as the chief administrative officer, is responsible for the proper administration of all Denali Borough affairs. The Mayor shall:

- A. appoint Denali Borough employees and administrative officers, except as provided in this Charter and by law; he may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint,

suspend, or remove subordinates in his department;

- B. suspend, remove by written order, Denali Borough employees and administrative officers, except as otherwise provided in this Charter;
- C. supervise enforcement of Denali Borough law;
- D. prepare the annual budget and capital improvement program for the Assembly;
- E. execute the budget and capital program as adopted;
- F. make monthly financial reports to the Assembly on Denali Borough finances and operations;
- G. report to the Assembly at the end of each fiscal year on the finances and administrative activities of the Denali Borough;
- H. prepare and make available for public distribution an annual report on Denali Borough affairs;
- I. serve as Denali Borough personnel officer unless the Assembly authorizes him to appoint a personnel officer;
- J. execute other powers and duties specified by State Law or lawfully prescribed by the Assembly;
- K. direct and supervise the business of the Denali Borough to assure that all ordinances and resolutions are executed;
- L. sign the special assessment rolls;
- M. act as ex-officio chairman of the Board of Adjustments for matters of building and zoning regulations of the Denali Borough; and
- N. act as ex-officio chairman of the Board of Equalization for matters of taxation and special assessments.

Section 4.02

Veto

The Mayor, while attending Assembly meetings does not have a vote on any issue except to break a tie vote of the Assembly. The Mayor shall have veto power. The Assembly may override his veto by two-thirds majority vote.

Section 4.03

Election and Term of Mayor

1. A voter of the Denali Borough who has been a resident of the Denali Borough for three (3) years, is eligible to hold the office of the Mayor.
2. The Mayor is nominated and elected at-large for a term of three (3) years and until a successor is elected and has qualified.
3. The Mayor's regular term begins on the first Monday following the election, which is held to coincide with State elections.

Section 4.04

Filling a Vacancy

The governing body shall, by two-thirds concurring vote, declare the office of mayor vacant for all the reasons stated in section 2.05 of this Charter. A vacancy in the office of the Mayor occurring within six months of a regular election shall be filled by the Assembly. The person designated shall serve until the next regular election and until a successor is elected and has qualified. If an Assembly person is chosen, he or she shall resign his or her Assembly seat. If a vacancy occurs more than six months before a regular election, the Assembly shall call a special election to fill the unexpired term.

Section 4.05

Mayor Pro Tempore

Should the office of the Mayor become vacant, or if the existing Mayor is disabled or unable to act, the Assembly may appoint a Mayor Pro Tempore, to serve until the Mayor resumes his or her official duties, or until a new Mayor is qualified.

Section 4.06

Successor to Office of the
Mayor and Mayor Pro Tempore

Should the office of the Mayor and Mayor Pro Tempore become vacant or should both the Mayor and the Mayor Pro Tempore be absent or unable to perform the duties of the office of the Mayor, the Assembly shall elect one of their members who shall assume the office of the Mayor Pro Tempore.

Section. 4.07

Salary of the Mayor

1. The compensated office of the Mayor of the Denali Borough shall be considered a part-time position.

2. The Denali Borough Assembly may, at any time during the Mayor's term in office, change the salary of the Mayor. However, the change will become effective with the first meeting following the next regular election, when the office of Mayor is voted on. The salary of the Mayor shall be an amount the Denali Borough Assembly determines to be commensurate with the duties and responsibilities of the office of Mayor.

3. The Mayor may accept or receive remunerative employment from any other sources, except those deemed to be in conflict of interest (as determined by the Assembly) with his duties as Mayor.

ARTICLE V. NOMINATIONS - ELECTIONS

Section 5.01

General Requirements

1. Regular elections. A regular election shall be held annually to coincide with State elections.

2. Special elections. The Assembly shall provide by ordinance for special election.

3. Notice of election. At least thirty (30) days published notice, as specified in Section 1.05, shall be given of a regular or special election. The notice shall state the purpose of the election.

4. Qualifications of voters. A person may vote in any Denali Borough election only if the person:

A. is qualified to vote in the State of Alaska; and

B. is a resident of the Denali Borough for thirty (30) days immediately preceding the election.

5. Nominations. Candidates for elective office shall be nominated by a petition signed by at least 10 qualified voters of the Denali Borough. All nomination papers comprising a petition shall be assembled and filed in person with the clerk during office hours as one instrument not earlier than 120 days nor later than 45 days before the election. No nominating petition may be accepted unless accompanied by a signed acceptance of the nomination by the candidate.

6. Election procedure. All elections shall be non-partisan. The Assembly by ordinance shall prescribe rules for the conduct of Denali Borough elections.

7. Determination of election results. The candidate for an office that receives the greatest number of votes is elected to the office. In case of a tie, the election shall be determined by lot from among the candidates tying.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.01

Initiative and Referendum

The powers and rights of the initiative and referendum are reserved to the people of the Denali Borough as prescribed by law. The Assembly by ordinance shall regulate the procedure for their exercise.

Section 6.02

Recall

An official who is elected or appointed to an elective Denali Borough office may be recalled in the same manner as they are elected as provided by law. The Assembly by ordinance shall regulate the procedure for their exercise.

ARTICLE VII. PLANNING

Section 7.01

Planning Commission

There shall be a Planning Commission consisting of nine members appointed by the Mayor and confirmed by the Assembly. The powers and duties of the Planning Commission, and the terms, qualifications and compensation of its members shall be provided by ordinance. Until such time as the Assembly determines the necessity of a Planning Commission, the Assembly shall serve as such.

ARTICLE VIII. EDUCATION

Section 8.01

Public School System

There shall be a system of public education for the Denali Borough, conducted in the manner provided by law. At the time the Denali Borough assumes education powers the system of public education shall be operated by a School Board consisting of nine members.

Section 8.02

School Board

1. Qualifications. A School Board member shall be a qualified Denali Borough voter and a resident of the Denali Borough. No School Board member may hold any compensated school district employment while serving on the School Board.

2. Term. Each School Board member shall be elected to three year staggered terms.

3. Election. Each School Board member shall be elected by qualified voters of their district and shall be residents of the district to which the seat they seek is assigned. A school board members so elected represents all of the voters of the Denali Borough.

4. The Assembly will by ordinance, adopt additional procedures pertaining to the districting, addition of new board members, nominations and election of School Board members.

5. Vacancies. The office of School Board member shall become vacant upon death, resignation, or removal from office in any manner authorized by law or by this Charter, or by forfeiture of office as prescribed for Assembly members in Section 2.05 of this Charter. Vacancies shall be filled in a manner prescribed by law.

Section 8.03

Budget

The superintendent of schools shall submit an annual budget which shall first be approved by the School Board at such time as the Board may direct, but in no case at a date later than that prescribed by State law. The proposed school budget shall be a public record available from the time of its submission to the Board for public inspection and distribution. The Board shall hold public hearings on the budget before approval and submission to the Assembly for final action.

Section 8.04

Joint Conference

The Assembly and Board may meet jointly at public meetings to deliberate upon matters of mutual interest.

ARTICLE IX. FINANCE

Section 9.01

Fiscal Year

The fiscal year of the Denali Borough shall begin on July 1 and end on June 30 of the following calendar year.

Section 9.02

Submission of Budget, Capital Improvements Program and Message

Not later than 60 days before the end of the current fiscal year, the Mayor shall submit to the Assembly a budget for the following fiscal year, a capital improvements program and an accompanying explanation message of both. The Assembly may

grant an extension of not to exceed 30 days if compelling reasons exist.

Section 9.03

Scope of Budget

1. Complete financial plan. The budget shall be a complete financial plan for all the operations of the Denali Borough, showing all reserves, all estimated revenues from all sources, and all proposed expenditures for all purposes.

2. Form. The budget shall contain at least the following:

- A. a comparative statement of actual expenditures and actual revenues for the preceding fiscal year;
- B. estimated expenditures and estimated revenues for the current fiscal year;
- C. projected revenues and expenditures for the budget year, and
- D. a brief explanation of each item.

3. Balanced budget. Proposed expenditures shall not exceed the total reserves, and revenues collected the previous year.

Section 9.04

Scope of Capital Improvements Program

1. The capital improvement program shall be a plan for capital improvements proposed for the following six (6) fiscal years, together with the estimated cost of each improvement and the proposed method of financing it. It shall contain at least the following:

- A. a summary of current capital improvements which are unfinished.
- B. a simple, clear summary of the detailed contents of the program.
- C. capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement and the proposed method of financing it.

2. Capital improvements to be financed in the following fiscal year, shall be included in the budget as well as in the capital improvements program.

Section 9.05

Scope of Message

The Mayor's message shall contain an explanation of the budget both in fiscal terms and in terms of work to be done, a description of the important features of the budget, an outline of the proposed financial policy of the Denali Borough for the following fiscal year, and an explanation of each capital improvement to be undertaken within the following six fiscal years.

Section 9.06

Hearing

1. By May 15, a public hearing shall be held on the budget and capital improvements program. All persons interested shall have an opportunity to be heard. At least ten days prior to the hearing, the Assembly shall:

- A. publish a summary of the budget and capital improvements program and a notice setting out the time and place of the public hearing pursuant to section 1.05; and
- B. deliver copies of the notice and summary of the budget and capital improvements program and the Mayor's message to newspapers of general circulation in the Denali Borough and to the commercial radio and television stations operating in the Denali Borough, and by publishing as specified in Section 1.05 of this Charter.

Section 9.07

Assembly Action on Budget

The Assembly, by ordinance, shall adopt a budget not later than June 15. If it fails to do so, the budget submitted by the Mayor shall be deemed adopted by the Assembly as the budget for the following year.

Section 9.08

Assembly Action on Capital
Improvement Program

The Assembly, by ordinance, shall adopt a capital improvements program not later than June 15 before the end of the current fiscal year. If it fails to do so, the capital improvements program submitted by the Mayor shall be deemed adopted by the Assembly.

Section 9.09

Certification and
Distribution

The budget and capital improvements program as adopted shall be certified by the Mayor and Denali Borough clerk, and shall be a public record and shall be made available at the Denali Borough Clerk's office for distribution to the public at no more than cost.

Section 9.10

Supplemental and
Emergency Appropriations

1. If during any fiscal year there are available revenues not anticipated in the budget estimates, the Assembly, by ordinance, may make supplemental appropriations for the year up to the amount of the additional revenues.

2. Upon declaration by the Assembly that a public emergency exists and describing the emergency in clear and specific terms, the Assembly may make emergency appropriations. Such appropriations may be made by emergency ordinance.

Section 9.11

Reduction and Transfer
of Appropriations

If during the fiscal year it appears that revenues available will be insufficient to meet the amount appropriated, the Mayor shall report to the Assembly without delay. The Assembly, by ordinance, may reduce any appropriation, except for debt service. No appropriation may be reduced by more than the amount of the unencumbered balance.

Section 9.12

Lapse of Appropriations
and Surpluses

At the end of the fiscal year, an unencumbered appropriation shall lapse into the fund from which appropriated; provided that an appropriation for a capital improvement, or in connection with requirements of federal or state grants, shall not lapse until its purpose has been accomplished or abandoned.

9.13

Administration of Budget

1. No payment may be made and no obligation incurred against the Denali Borough except in accordance with appropriations duly made. No payment may be made and no obligation incurred against any appropriation unless the Mayor ascertains that there is a sufficient unencumbered balance in the appropriation and that sufficient funds are or will be available to cover the obligation.

2. Every obligation incurred and every authorization of payment in violation of this Charter shall be void. Every payment made in violation of the provisions of this Charter shall be illegal. All officers or employees of the Denali Borough who knowingly authorize or make such payment shall be jointly and severally liable to the Denali Borough for the full amount so paid.

3. The Assembly by ordinance may authorize a contract, lease or obligation requiring funds from future appropriations, including appropriations in future fiscal years subject to the annual appropriation of funds for that purpose.

Section 9.14

Purchasing; Contract Approval

1. The Assembly by ordinance shall provide for competitive bidding for purchase of goods and services by the Denali Borough and sales of surplus Denali Borough property, and for any exceptions thereto.

2. The Assembly by ordinance shall establish provisions for Assembly approval of Denali Borough contracts and exceptions thereto.

Section 9.15

Enterprise Funds

Revenues from a Denali Borough enterprise established after ratification of this Charter shall be first used for debt retirement, construction, acquisition, operation, maintenance, repair and capital improvements of the enterprise.

Section 9.16

Independent Audit

The Assembly shall provide for an annual audit for all Denali Borough accounts by an independent certified public accountant, and may require additional duties that it deems necessary.

Section 9.17

Denali Borough Investment Fund

An investment fund is hereby created from appropriations to be made by the Assembly by ordinance. The investment fund shall be maintained separate and apart from all other funds and accounts of the Denali Borough. The principal of the fund shall be invested in such types of income-producing investments as are hereafter specifically designated by ordinance. All income from the investment fund shall be deposited in the General Fund.

ARTICLE X. BORROWING

Section 10.01

Authority

The Denali Borough may borrow money and issue such evidence thereof, herein called obligations, as the Assembly may determine necessary.

Section 10.02

Restrictions on Borrowing

1. General obligations of the Denali Borough. No general obligation, bonded indebtedness, may be incurred unless authorized by the Assembly for capital improvements and ratified by a majority vote of those in the Denali Borough voting on the question.

2. General obligations of service areas. No obligation secured by a pledge of taxes to be levied in a service area may be issued unless authorized for capital improvements by the Assembly and ratified by a majority of the qualified voters in the service area voting on the question. In a service area where there are no qualified voters to vote on the question, voter ratification shall not be required.

Section 10.03

Notice of Bond Election

1. In calling any election required by this article, the Assembly shall cause a notice to be published as specified in section 1.05, at least 30 days prior to the election. The notice shall contain the following information:

- A. the maximum amount of the bonds, purpose of their issuance, and maximum length of time within which the bonds shall mature;
- B. the estimated annual debt service on the proposed bonds and its estimated effect per \$100,000 dollars of assessed valuation;
- C. the current total general obligation indebtedness of the Denali Borough, including authorized but unsold general obligation bonds and its estimated effect per \$100,000 dollars of assessed valuation;
- D. the current year's debt service on the outstanding general obligation bonds of the Denali Borough and its estimated effect per \$100,000 of assessed valuation; and
- E. the current assessed valuation within the Denali Borough.

2. For bonds secured by a pledge of taxes to be levied in a service area the notice shall also contain the information required in subsection 1 above, C, D, and E relative to the service area.

3. Errors contained in information required in subsection 1 above B, C, D and E with regard to the Denali Borough or a service area shall not invalidate any election unless such errors are material. Actions challenging the sufficiency of any notice of election must be brought within the time provided in Section 10.06 of this Charter.

Section 10.04

Manner of Sale

General obligation bonds and bonds secured by a pledge of taxes to be levied in the service area may be sold in such manner as the Assembly shall provide.

Section 10.05

Sale to Financial Consultant Prohibited

No person retained by the Denali Borough to perform services relating to financial programming or the issuance and sale of obligations may bid on such obligations, directly or indirectly for a period of one year after termination of such contract. In the event any such person violates this provision, his or her contract for such services shall be null and void and he or she shall not be entitled to any services rendered; and, in addition, he or she shall be liable for any damages sustained by the Denali Borough in connection with such purchases and sale. Violation of the provisions of this section shall not invalidate the obligations.

Section 10.06

Actions Challenging the Validity of Obligations

No action challenging the validity of any obligations is valid unless instituted within 30 days from the effective date of certification of the results of the election ratifying the issuance of such obligation.

Section 10.07

Interest and Profits from Investments

All interests and profits derived from the investment of the proceeds from the sale of any obligation shall be used solely for the purpose for which such obligations were issued, or for their retirement.

ARTICLE XI. TAXATION

Section 11.01

Tax Procedures

A severance tax shall be levied against the removal of any or all natural resources allowed to be taxed by State law. This tax shall be based on a percentage, as determined by ordinance, of the gross value of the extracted resource. The gross value may be converted to a cents per ton, yard, or other unit of measure as appropriate.

There shall be a sales tax levied against utilities and rental of overnight accommodations. This tax will be established by ordinance in accordance with State law.

It is the intent of this Charter that no new taxes will go into effect unless proposed by ordinance, ratified by a majority of the voters.

The Assembly shall prescribe by ordinance the procedures for tax assessment and collection.

Section 11.02

Private Interests Taxable

Private leaseholds, contracts or interests in land or property owned or held by the United States, the State or other political subdivisions, shall be taxable to the extent of the fair market value of the private interests.

Section 11.03

Property Tax

A property tax shall not be levied prior to a popular vote in which the majority of the voters approve the property tax.

ARTICLE XII. SERVICE AREAS

Section 12.01

Purpose

Service areas may be established to provide services not provided on an areawide basis or to provide a higher level of service than that provided on an areawide basis.

Section 12.02

Establishment

1. By ordinance. The Assembly by ordinance may establish, alter, consolidate, or abolish service areas. The Assembly by ordinance may add or eliminate services to a service area. The ordinance shall contain the following:

- A. boundaries and area to be included;
- B. service to be provided or be eliminated; and
- C. other provisions the Assembly includes.

2. By petition. Procedures for the establishment by petition of a service area shall be in accordance with Section 6.01 of this Charter as it would apply to the area in question.

Section 12.03

Criteria

Service areas shall be established according to criteria of need and economic operating efficiency and shall comprise the area to which the services shall be provided. A new service area shall be established only after Assembly determination that such services cannot be provided reasonably by an existing service area or by alteration of an existing service area.

Section 12.04

Financing

The Assembly may levy taxes, assessments or other charges within a service area to finance the services, and funds thereby raised shall not be used for any purpose outside the service area.

ARTICLE XIII. LOCAL IMPROVEMENT DISTRICTS

Section 13.01

Purpose

Local improvement districts may be established in a limited and determinable area to confer the special benefits of any Denali Borough improvement. All or any part of the costs of the improvement may be paid out of the proceeds of special assessments levied against the benefited property.

Section 13.02

Local Improvement Procedure

The Assembly by ordinance shall prescribe procedures for establishment of local improvement districts and for agreements for furnishing capital improvements and the extension thereof in lieu of assessments.

Section 13.03

Assessment in Proportion to Benefit

The Assembly by ordinance shall establish the method of apportioning and assessing the cost of improvements upon real property specially benefited in proportion to the benefits.

Section 13.04

Lien

A special assessment, together with collection and interest charges, is a lien on the property assessed second in priority only to property taxes and prior special assessments. The assessment lien shall be enforceable in the same manner as a lien for Denali Borough taxes.

Section 13.05

Protests

If protests as to the necessity for any local improvements are made within the time allowed by the ordinance by the owners of real property that will bear at least fifty percent of the estimated cost to be borne by the benefited property, the improvement shall not proceed until the protests have been reduced below fifty percent.

Section 13.06

Limitation on Actions

No special assessment procedure may be contested by an action at law or in equity unless commenced within sixty days after the confirmation of the special assessment roll.

Section 13.07

Property Liable

Except as otherwise provided by law all real property, including property exempt from taxation as provided by law, shall be liable for the cost of local improvements unless specifically exempted by ordinance of general application.

Section 13.08

Receipts

Accounts for local improvement districts shall be kept separate from other Denali Borough accounts. Revenues from a special assessment shall be used solely to pay the cost of the improvements or the principal and interest on indebtedness incurred for the improvements.

ARTICLE XIV. CHARTER AMENDMENT

Section 14.01

Proposal

1. Amendments to this Charter may be proposed:
 - A. by ordinance of the Assembly containing the full text of the proposed amendment, or
 - B. by initiative petition, or
 - C. by referendum.

Section 14.02

Election

Proposed amendments shall be submitted to the qualified voters of the Denali Borough at the next regular or special election occurring more than forty-five days after adoption of the ordinance, certification of the initiative petition, or certification of the referendum. A notice containing the full text of each proposed amendment shall be published pursuant to section 1.05 of this Charter.

Section 14.03

Effective Date

If a majority of the qualified voters voting on a proposed amendment approve, the amendment shall become effective at the time fixed therein or, if no time is so fixed, thirty days after certification of the election.

ARTICLE XV. GENERAL PROVISIONS

Section 15.01

Personal Financial Interest

1. Prohibition. No elected official may vote on any question on which he or she has a substantial financial interest. Any Denali Borough officer, employee, or Assembly member who has a substantial financial interest in any contract with the Denali Borough, or in the sale of land, material, supplies or services to the Denali Borough or to a contractor supplying the Denali Borough shall make known that interest and shall refrain from participating in his or her capacity as a Denali Borough officer, employee or Assembly member in the making of such sale or in the making or performance of such contract.

2. Punishment. Any Denali Borough officer, employee or Assembly member who violates the requirements of this section shall forfeit his or her office or employment. Violation of this section with the knowledge express or implied of the person contracting with or making a sale to the Denali Borough shall render the contract or sale to the Denali Borough voidable by the administrator or the Assembly.

3. Additional rules. The Assembly by ordinance may prescribe additional rules and penalties to prevent conflicts of interest.

Section 15.02

Prohibitions

1. Discrimination. No person shall be discriminated against in any Denali Borough appointment, employment or promotion because of race, sex, color, political or religious affiliation, or national origin.

2. Personnel regulations. No person shall willfully falsify any test, certification or appointment under the personnel regulations. Or in any manner commit or attempt to commit any fraud to prevent the impartial execution of such regulations.

3. Undue influence. No person shall offer, give or receive any money, service, or other valuable thing to influence or attempt to influence any action of any officer or employee in the performance of his or her municipal duties.

4. Solicitation. No Assembly person, Denali Borough officer or administrative employee shall directly or indirectly solicit a contribution for any political party or purpose from any person holding a compensated Denali Borough position.

5. Campaigning. No Denali Borough officer or Assembly person shall campaign while on official business.

Section 15.03

Surety Bonds

The Denali Borough administrator, the Denali Borough clerk or such other officers and employees as the Assembly may designate, before entering upon their duties, shall be bonded, by individual or group bonds, for the faithful performance of their respective duties, payable to the Denali Borough, in such form and in such amounts as the Assembly may prescribe, with a surety company authorized to operate within the state. The Denali Borough shall pay the premium on such bonds.

Section 15.04

Oath of Office

Every officer of the Denali Borough, before entering upon his duties, shall take the oath or affirmation required by Section 5 of Article XII, Constitution of the State of Alaska. The Assembly may require designated employees to take such oath before entering upon their employment. Oaths of office shall be filed with the Denali Borough clerk.

Section 15.05

Continued Office

Every officer who is elected or appointed for a term ending at a definite time shall continue to serve until his successor qualifies and takes office, except in the case of death, resignation or termination by law or this Charter.

Section 15.06

Borough Proceedings

The Assembly by ordinance shall establish procedures governing administrative proceedings in which the legal rights, duties, privileges or penalties of persons are to be determined; insure

fair and equal treatment of all persons involved in such proceedings; and provide for the conduct of such proceedings in an orderly and uniform manner.

Section 15.07

Records to be Public

All records of the Denali Borough shall be public except as otherwise provided by law. Records shall be available at the Denali Borough office for public inspection and for distribution at such reasonable cost. Copies certified by the clerk shall be prima facie evidence of their contents.

Section 15.08

Notice of Lien

When any lien other than for Ad valorem taxes or special assessments is placed by the Denali Borough on any real property, notification of the lien shall be sent by registered or other special mail to the person whose name appears as owner of the property on the most recent tax assessment roll.

Section 15.09

Dedication of Borough Property

Dedication of streets, rights-of-way, easements or other areas for public use by the Assembly may not be construed to require the Denali Borough to maintain, improve or provide for Denali Borough services in the area dedicated and the dedication does not impose any liability on the Denali Borough for the condition of the area dedicated.

Section 15.10

Return of Funds to Unorganized Communities

The Denali Borough Assembly shall establish procedures by which available funds generated in the unorganized communities by State revenue sharing shall be returned to those communities to the extent allowed by law.

Section 15.11

Definitions

Words used in this Charter shall have their ordinary dictionary meanings, except where defined otherwise in this Charter or in Title 29 of the Alaska Statutes.

Section 15.12

Separability

If any provision of this charter is held invalid, other provisions shall not be affected. If the application of this Charter or any of its provisions to a person or circumstance is held invalid, the application of this Charter or any of its provisions to other persons or circumstances shall not be affected.

ARTICLE XVI. TRANSITIONAL PROVISIONS FOR THE FIRST 60 DAYS
ONLY

Section 16.01

Effective Date

This charter shall be effective immediately on ratification of the Denali Borough.

Section 16.02

Election of Initial Officials

The initial Denali Borough Assembly shall be elected as provided in State law, and provisions of this Charter.

Section 16.03

Organization of Assembly

The Assembly shall meet as provided in Section 2.06 of this Charter and organize and carry out duties as required in that section.

Section 16.04

Budget

Following adoption of this Charter, the Assembly shall operate under the budget of the Denali Borough proposed in the incorporating petition unless otherwise amended by Assembly ordinance.

ARTICLE XVII. TRANSITIONAL PROVISIONS FOR ASSUMPTION OF
EDUCATION POWERS

Section 17.01

Transitional Provisions for School Board

All persons comprising the School Board of the REAA existing immediately before the Denali Borough assumes control of the REAA shall continue to be members of the School Board until new elections are held and the new School Board is sworn in. An election will be held with School Board seats apportioned by district following the same apportionment set up for the Assembly. All seats shall continue with the staggered terms of office of three (3) years set by this Charter.

Section 17.02

Continuation of Employment

At the time the Denali Borough assumes control of the REAA, all employees of the REAA shall continue in employment until the School Board, as the case may be, provides otherwise. Salaries and benefits enjoyed by current REAA employees shall continue unless provisions are made to the contrary.

Section 17.03

Assets and Liabilities

The Denali Borough, as a home rule borough, shall succeed to all the assets and liabilities of the previously existing Rural Education Attendance Area #14 at the time it takes over education powers.

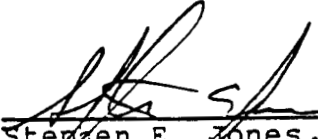
Section 17.04


Continuance of Actions

The adoption of this Charter shall not abate or otherwise affect any action, cause of action, claim, proceeding, civil or criminal, by or against the Railbelt School District and which had accrued at the time of the effective date of this Charter. The applications, petitions, hearings, and other proceedings pending on the effective date before the Denali Borough shall be continued.

I, Stephen E. Jones, Chairman of the Railbelt Borough Planning Committee state that the Committee has prepared and approved the Charter of the Denali Home Rule Borough and adopted it on September 7, 1989 and direct that this Charter be submitted to the qualified voters of the proposed Denali Home Rule Borough at a regular election which shall be held for approval or rejection in accordance with law.

In witness whereof, we subscribe our names on this 10th day of September, 1989.


Stephen E. Jones, Chairman
Railbelt Borough Planning Committee


Armeda Bulard, Secretary,
Railbelt Borough Planning Committee